REMARKS

In response to the Official Action mailed June 24, 2005, Applicants amend their application and request reconsideration. In this Amendment, no claims are added or canceled so that claims 1-30 remain pending. Claims 1-30 stand rejected. No new matter has been added.

In order to clarify what is claimed, claims 1, 11, and 21 are amended to recite that the more than one unresolved independent conflicts are file tree conflicts determined from a comparison of the first and second file trees. These amendments are supported by the specification, for example, at page 10, lines 18-23.

I. Objections to the Specification

The specification is objected to for lacking serial numbers in paragraphs 1, 13, and 14. Appropriate correction is made in this Amendment.

II. Objections to the Drawings

The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) for including reference characters that are not mentioned in the specification. This Amendment includes amendments to the specification to correct typographical errors. This objection to the drawings is moot in view of these amendments to the specification.

The drawings are further objected to because the Examiner alleges that Figure 9 includes the legend "Created with Trial Edition of SmartDraw 5." Accordingly, Applicants submit a replacement sheet including Figure 9 in which the legend objected to by the Examiner is absent.

III. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-30 are rejected under 35 U.S.C. § 102(a) as being anticipated by *Beizer* et al. (U.S. Patent No. 6,240,414, hereinafter "*Beizer*"). That rejection is respectfully traversed.

Applicants respectfully submit that *Beizer* does not anticipate amended claim 1. To anticipate a claim, the reference must teach every element of the claim. MPEP § 2131. *Beizer* fails to meet this stringent test. For example, *Beizer* fails to teach that the more than one unresolved independent conflicts are "file tree conflicts determined from a comparison of the first and second file trees," as claim 1 now recites. In *Beizer*, conflicts are determined by a comparison of data values. See Figure 5 ("value to '400' from '200'") and column 3, lines 6-11 of *Beizer*. Thus, the conflicts in *Beizer* are data element conflicts, not file tree conflicts, and they are determined by a data element per data element comparison, not by a comparison of file trees. Contrast, *e.g.*, Figure 3d and column 7, lines 25-30 of *Beizer* with, *e.g.*, page 3, lines 6-13 of the patent application. Whereas embodiments in accordance with the present invention may ascertain changes to the file structure in a much more global context, *Beizer* discloses a granular technique that would not be suitable for addressing the problems solved by methods and systems in accordance with the present invention. Thus, for at least this reason, *Beizer* fails to teach every element of amended claim 1.

Accordingly, *Beizer* fails to anticipate amended claim 1. Because amended claims 11 and 21 recite limitations similar to amended claim 1, claims 11 and 21 are not anticipated by *Beizer* for at least the same reasons.

Regarding claims 5 and 6, *Beizer* fails to teach that server or client operations are translated back up a conflict list across all previous server or client operations. The Examiner contends that *Beizer* teaches the limitations of claims 5 and 6 at column 4, lines 27-30 and Figure 4 and its description. However, no portion of *Beizer* says anything of "translating" back up a conflict list across all "previous operations." *Beizer* simply does not support the Examiner's contention. Thus, for at least this reason, *Beizer* fails to anticipate claims 5 and 6. Claims 15,

16, 25, and 26 recite similar limitations as claims 5 and 6. Accordingly, claims 15, 16, 25, and 26 are not anticipated by *Beizer* for at least the same reasons as given for claims 5 and 6.

Regarding claims 7 and 8, *Beizer* fails to teach that if a transition is "a rename or a reparent of an ancestor of [an] object in the tree, [a] winning operation is translated to refer to the object using its new lineage." The Examiner asserts "[i]n *Beizer's* reconciliation process, the winning operation is rename/reparent, and a new lineage is thus applied to the winning file." Page 5 of the Official Action. However, the Examiner provides no support for that assertion. In fact, the Examiner's assertion is not supported by *Beizer*. *Beizer* teaches nothing similar to that limitation. Applicants note that *Beizer* makes no reference to a rename or reparent of an ancestor, nor does *Beizer* say anything of applying a new lineage. Thus, for at least this reason, *Beizer* fails to anticipate claims 7 and 8. Claims 17, 18, 27, and 28 recite similar limitations as claims 7 and 8. Accordingly, claims 17, 18, 27, and 28 are not anticipated by *Beizer* for at least the same reasons as given for claims 7 and 8.
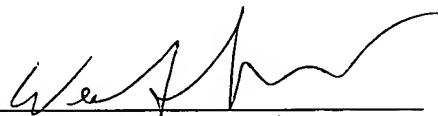
IV.   Conclusion

In view of the above amendments and remarks, Applicants submit that all claims are

allowable over the cited prior art and respectfully request early and favorable notification to that

effect.

Respectfully submitted,

Dated: September 23, 2005   By: _____
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IN THE DRAWINGS

Please replace Figure 9 with the attached replacement Figure 9. The replacement Figure 9 lacks the legend "Created with Trial Edition of SmartDraw 5" objected to by the Examiner.

Attachment: Figure 9 Replacement Sheet.